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EXAMINERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHANIE ENYART,

Plaintiff,

v.

NATIONAL CONFERENCE OF BAR
EXAMINERS,

Defendant.

Case No. C09-05191-CRB

**STIPULATION AND ~~PROPOSED~~
ORDER FOR CONTINUANCE OF
HEARING ON MOTION FOR
SUMMARY JUDGMENT AND
REVISED BRIEFING SCHEDULE**

Date: July 15, 2011
Time: 10:00 a.m.
Courtroom: 8
Judge: Hon. Charles R. Breyer

Plaintiff STEPHANIE ENYART and Defendant NATIONAL CONFERENCE OF BAR EXAMINERS ("NCBE") (hereafter "the parties"), pursuant to Civil Local Rules 7-7 and 7-12, jointly request that the Court set the hearing on Ms. Enyart's Motion for Summary Judgment originally noticed for **July 15, 2011, at 10:00 a.m.** to **September 23, 2011** for the reasons set forth below. The parties further jointly request that the Court grant a briefing schedule on the Motion for Summary Judgment as set forth in this Stipulation.

STIPULATION

1. Ms. Enyart filed this action in the United States District Court, Northern District of California, on **November 3, 2009**. The Court's Scheduling Order in this Action (Docket No. 139) currently provides that the deadline for hearing all pretrial motions, including dispositive motions, is **November 8, 2011**.

2. Ms. Enyart filed a Motion for Summary Judgment on **June 10, 2011**, which noticed the hearing for **July 15, 2011, at 10:00 a.m.**, in which she seeks an order granting her judgment as a matter of law on all of her claims against NCBE, a permanent injunction requiring NCBE to provide her with her requested accommodation of screen reading and screen magnification software on any future administration of the Multistate Bar Examination that she

1 may take as part of the California bar examination, and dissolution of all outstanding bonds
 2 previously entered with the Court. The Court's Clerk has informed Ms. Enyart's counsel that the
 3 original noticed date is not available for hearing of the motion and indicated that a new notice
 4 should be filed. In addition, NCBE intends to undertake additional discovery in order to prepare
 5 its opposition to this motion.

6 **3.** Accordingly, the parties have agreed that Ms. Enyart will re-notice the hearing on
 7 her motion for summary judgment for September 23, 2011 and have agreed to expeditiously
 8 complete the following outstanding and additional discovery relevant to Ms. Enyart's Motion for
 9 Summary Judgment by no later than **Friday, August 12, 2011:**

- 10 • Production of documents from Ms. Enyart's recovered hard drive that are
 11 responsive to NCBE's First Set of Requests for Production of Documents (the
 12 parties will work together to develop a search protocol for obtaining, and then
 13 reviewing, these documents in an expeditious and efficient manner in advance of
 14 the deposition of Ms. Enyart);
- 15 • Deposition of Ms. Enyart (to be taken, if necessary, after the conclusion of the July
 16 2011 California Bar Exam to follow-up on any previously obtained discovery,
 17 including documents produced or to be produced by Ms. Enyart in response to
 18 NCBE's First Set of Requests for Production of Documents)
- 19 • Deposition of Bruce Britton (declarant in support of Ms. Enyart's Motion for
 20 Summary Judgment);
- 21 • Deposition of Frederic Schroeder (declarant in support of Ms. Enyart's Motion for
 22 Summary Judgment); and
- 23 • Deposition of Dr. David Sarraf (Ms. Enyart's prior treating ophthalmologist).

24 Provided that this discovery is conducted prior to August 12, 2011, NCBE will not raise any
 25 argument pursuant to FRCP 56(d) that facts essential to justify its opposition exist but cannot be
 26 presented.

27 **4.** The parties believe that scheduling the hearing on Ms. Enyart's Motion for
 28 Summary Judgment for **September 23, 2011**, would allow them to complete the discovery listed

above, help resolve scheduling conflicts, and assist in obtaining an efficient and orderly disposition of the action.

5. The parties believe that the following briefing schedule on the Motion for Summary Judgment would allow them to complete the discovery listed above, help resolve scheduling conflicts, and assist in obtaining an efficient and orderly disposition of the action:

- NCBE's opposition papers to be filed and served no later than **Friday, August 26, 2011**, which is 28 days before the continued hearing date;
- Ms. Enyart's reply papers to be filed and served no later than **Friday, September 9, 2011**, which is 14 days before the continued hearing date.

6. The Parties jointly request that this Court enter this Stipulation as an Order of the Court.

Respectfully submitted:

Dated: June __, 2011

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/S/_____
LAURENCE W. PARADIS (122336)
Attorneys for Plaintiff

Dated: June __, 2011

I, Gregory Tenhoff, am the ECF User whose ID and password are being used to file this Joint Stipulation. In compliance with General Order 45.X.B., I hereby attest that Laurence Paradis has concurred in this filing.

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GREGORY C. TENHOFF (154553)
Attorneys for NCBE

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 24, 2011

